

To: Curtis Carey (Carey.Curtis@epa.gov)[Carey.Curtis@epa.gov]
From: Washburn, Ben
Sent: Fri 7/24/2015 5:01:53 PM
Subject: FW: West Lake - Cotter's Additional Sampling Program

Another email regarding Cotter's sampling request.

Benjamin M. Washburn

Public Affairs Specialist

EPA Region 7

(913) 551-7364

From: Stoy, Alyse
Sent: Friday, July 24, 2015 11:57 AM
To: Washburn, Ben
Subject: FW: West Lake - Cotter's Additional Sampling Program

Alyse Stoy

Assoc. Deputy Regional Counsel for Enforcement

Office of Regional Counsel

U.S. EPA Region 7

(913) 551-7826 phone

(816) 807-3271 cell

stoy.alyse@epa.gov

From: Stoy, Alyse
Sent: Friday, June 12, 2015 2:03 PM
To: 'McGahren, John'
Cc: 'Merrigan, Jessie (LG)'; Beck, Bill (LG); STEVEN.MILLER@hq.doe.gov;
Phillip.R.Dupre@usdoj.gov. (Phillip.R.Dupre@usdoj.gov); Paul Rosasco; Vann, Bradley; Field, Jeff; Juett, Lynn
Subject: RE: West Lake - Cotter's Additional Sampling Program

John -

As a follow up to my June 1st email, EPA is providing additional direction regarding our response to your May 18th request on behalf of Cotter Corporation (Cotter) to collect seven additional borings in Area 1 and Area 2. As previously indicated, EPA approves this request to the extent the analysis of this additional data furthers our understanding of the nature and extent of Site-related contamination and our current effort to develop more accurate RIM volume calculations. More specifically, EPA will agree to the proposed approach of collecting these samples using the same protocols set forth in the Phase 1D Investigation – Additional Characterization of Extent of Radiologically-Impacted Material in Area 1: Revised Addendum to Phase 1 Work Plans for Isolation Barrier Investigation, West Lake Landfill Operable Unit-1, Bridgeton, Missouri approved by EPA on 5/05/2015. However, EPA would like to make clear that only the field data (i.e. sample location, sample number, depth of collected sample, total depth, etc) and related sample results should be presented in the upcoming Area 1/Area 2 deliverable. Any other analysis and interpretation the parties wish to undertake associated with the additional seven samples will need to be submitted in separate deliverable(s). Specifically, this would include any assessment of the potential for RIM to impact groundwater, analysis of the chemical and radiological composition of RIM beyond which is set forth in the approved Phase 1D Work Plan, or quantification of the leachability of radionuclides and RCRA metals. In addition, while we recognize that three additional days of field work will have a negligible impact on the schedule for the upcoming Area 1/Area 2 work, the analysis and interpretation of this additional data can in no way delay the time it takes the parties to prepare and submit the Area 1/Area 2 report or any other deliverable the parties ultimately agree to submit in furtherance of a final Feasibility Study report.

Furthermore, EPA would like to respond to some of the stated objectives of your request for additional work:

1. Groundwater: EPA is currently evaluating the steps necessary to continue the investigation of potential releases of Site-related contamination to groundwater. As you are aware the parties have already agreed to perform fate and transport modeling. EPA recognizes that Cotter's proposed leachability analysis and identification of non-LBSR materials may complement the work EPA and USGS believe is necessary to further refine our understanding of the source of groundwater contamination at the Site. However please note that EPA will likely require the collection of additional groundwater-related data in the near future that may be different in nature and scope than what Cotter is proposing.
2. Identification of non-LBSR radiological materials: As you know, RIM characterization activities requested by EPA in Area 1 and Area 2 have been conducted for a number of reasons, primarily to collect the necessary data to understand the nature and extent of RIM in those areas. While EPA is certainly interested in any additional data that may provide some additional insight into the origin of radiological materials disposed of at the West Lake Site, EPA will ultimately evaluate the utility of that data as it relates to our remedy selection.
3. Samples in close proximity to historic sampling locations: EPA welcomes any data that provides information regarding the nature and extent of radiological materials in Area 1 and Area 2 and will aid in the evaluation of excavation alternatives. However, please note that the additional characterization work in Areas 1 and 2 requested by EPA on April 20th was specifically targeted at areas where historical data does not exist, and not in areas where samples have previously been collected.
4. Pyrolysis: EPA's pyrolysis study is specifically focused on analyzing the effect of heat on RIM samples collected from the Site. While EPA agrees there may be some utility in Cotter's proposed leachability testing for purposes of future groundwater investigations, such proposed testing is distinguishable from the purpose of EPA's pyrolysis study.

EPA will emphasize again that our approval of this additional work is conditioned upon the agreement and cooperation by all of the PRPs, and the analysis of this additional data and resulting reports cannot interfere with or delay the additional work the parties have already agreed to perform. If you have any questions or would like to discuss further please do not hesitate to contact me.

Regards,

Alyse

Alyse Stoy

Assoc. Deputy Regional Counsel for Enforcement

Office of Regional Counsel

U.S. EPA Region 7

(913) 551-7826 phone

(816) 807-3271 cell

stoy.alyse@epa.gov

From: McGovern, Margaret M. [<mailto:mmcgovern@morganlewis.com>] **On Behalf Of**
McGahren, John

Sent: Monday, May 18, 2015 4:20 PM

To: Stoy, Alyse

Cc: McGahren, John; Vann, Bradley; STEVEN.MILLER@hq.doe.gov;
Phillip.R.Dupre@usdoj.gov. (Phillip.R.Dupre@usdoj.gov); Beck, Bill (LG); 'Merrigan, Jessie';
Paul Rosasco

Subject: West Lake - Cotter's Additional Sampling Program

Dear Ms. Stoy,

Please see my attached correspondence and attachments regarding Cotter's Additional Sampling Program.

Thank you.

John McGahren

Morgan, Lewis & Bockius LLP

502 Carnegie Center | Princeton, NJ 08540-6241

Direct: +1.609.919.6641 | Main: +1.609.919.6600 | Fax: +1.609.919.6701

jmcgahren@morganlewis.com | www.morganlewis.com

Assistant: Margaret M. McGovern | +1.609.919.6651 | mmcgovern@morganlewis.com

DISCLAIMER

This e-mail message is intended only for the personal use of the recipient(s) named above. This message may be an attorney-client communication and as such privileged and confidential and/or it may include attorney work product. If you are not an intended recipient, you may not review, copy or distribute this message. If you have received this communication in error, please notify us immediately by e-mail and delete the original message.